
STATUTORY INSTRUMENTS

2000 No. 531

HOUSING, ENGLAND

**The Housing Renewal Grants
(Amendment) (England) Regulations 2000**

<i>Made</i>	- - - -	<i>28th February 2000</i>
<i>Laid before Parliament</i>		<i>13th March 2000</i>
<i>Coming into force</i>	- -	<i>3rd April 2000</i>

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred upon him by sections 3(3) and (4), 30, 31(5) and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996⁽¹⁾ and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (England) Regulations 2000 and shall come into force on 3rd April 2000.

(2) These Regulations extend to England only.

Amendments

2. The Housing Renewal Grants Regulations 1996⁽²⁾ are amended in accordance with the following regulations.

Regulation 2

3. In regulation 2(1) (interpretation)⁽³⁾, after “social fund payment”, insert—

““sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993⁽⁴⁾ out of sums allocated to it for distribution under that section;”.

(1) 1996 c. 53; the Secretary of State can exercise the power under these sections only in relation to England; see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(2) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523, 1999/2568.
(3) Regulation 2 was amended by S.I. 1998/808 and 1999/1523.
(4) 1993 c. 39.

Regulation 3

4. In regulation 3 (persons from abroad), after “or any of the applicants ”, insert “or any person who is not an applicant but is entitled to make an application and lives or intends to live in the dwelling or, as the case may be, a flat in the building.”.

Regulation 4A

5. After regulation 4, add–

“Requirement to produce national insurance number

4A. Where an application for a grant has been made, a local housing authority shall require any person, who is a relevant person in respect of that application within the meaning of regulation 5 below, to provide:

- (a) a statement of the relevant person’s national insurance number and information or evidence establishing that that number has been allocated to that person; or
- (b) information or evidence enabling the national insurance number which has been allocated to that person to be ascertained; or
- (c) information or evidence that the relevant person has applied for a national insurance number to be allocated to him and has included with that application sufficient information or evidence to enable the number to be allocated.”.

Regulation 7

6. In regulation 7 (remunerative work)(5), after paragraph (7), add–

“(8) A person shall not be treated as engaged in remunerative work on any day on which that person is engaged in an activity in respect of which–

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him.”.

Regulation 10

7. In regulation 10 (the applicable amount)(6), delete paragraph (1)(b).

Regulation 12

8. In regulation 12 (reduction in amount of grant)(7)–

- (a) in paragraph (1)(a), for “18.75” substitute “18.10”;
- (b) in paragraph (1)(b), for “37.50” substitute “36.20”;
- (c) in paragraph (1)(c), for “150.02” substitute “144.82”;
- (d) in paragraph (1)(d), for “375.04” substitute “362.04”;
- (e) in paragraph (2)(a), for “10.87” substitute “10.65”;
- (f) in paragraph (2)(b), for “21.74” substitute “21.29”;
- (g) in paragraph (2)(c), for “86.95” substitute “85.18”;
- (h) in paragraph (2)(d), for “217.37” substitute “212.95”;

(5) Regulation 7 was amended by S.I. [1999/1523](#).

(6) Regulation 10 was amended by S.I. [1998/808](#).

(7) Regulation 12 was amended by S.I. [1997/977](#), [1998/808](#) and [1999/1523](#).

Regulation 14

9. At the end of regulation 14 (applicable amounts) add—
- “(e) the amount of the housing allowance which applies in accordance with Part V of Schedule 1 (housing allowances).”.

Regulation 15

10. At the end of regulation 15 (polygamous marriages), add—
- “(f) the amount of the housing allowance which applies in accordance with Part V of Schedule 1 (housing allowances).”.

Regulation 18

11. In paragraph (1A) of regulation 18 (determination of income on a weekly basis)(8)—
- (a) in sub-paragraph (a) for “£60” substitute “£70”; and
- (b) in sub-paragraph (b) for “£100” substitute “£105”.

Regulation 24

- 12.—(1) At the end of paragraph (1) of regulation 24 (earnings of employed earners), add—
- “(k) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979(9);
- (l) any amount, where a relevant person qualifies for the national minimum wage under section 1 of the National Minimum Wage Act 1998(10), which under section 17 of that Act that person shall be taken to be entitled to be paid under his contract as additional remuneration in respect of any pay reference period falling within the 52 weeks immediately preceding the application.”.
- (2) At the beginning of paragraph (2)(a), insert “Subject to paragraph (3), ”.
- (3) After paragraph (2), add:—
- “(3) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(k).
- (4) In this regulation, “any pay reference period” means the period prescribed by the Secretary of State in regulations made under section 1(4) of the National Minimum Wage Act 1998.”.

Regulation 26

13. After “in the relevant person’s care)” in paragraph (b) of regulation 26(11) (earnings of self-employed earners) insert “and also shall not include any sports award”.

Regulation 31

- 14.—(1) In regulation 31(9) (notional income)(12)—

(8) Regulation 18 was amended by S.I. 1998/808.
(9) S.I. 1979/591; the relevant amending instrument is S.I. 1999/561.
(10) 1998 c. 39.
(11) Regulation 26 was amended by S.I. 1998/808.
(12) Regulation 31 was amended by S.I. 1998/808 and 1999/1523.

- (a) insert immediately before sub-paragraph (a)–
- “**(za)** to a third party in respect of a single relevant person or a member of his family (but not a member of the third party’s family) shall, where that payment is a payment of an occupational pension or is a pension or other periodical payment made under a personal pension scheme, be treated as possessed by that single relevant person or, as the case may be, by that member;”;
- (b) in sub-paragraph (a), after “shall” insert “, where it is not a payment referred to in sub-paragraph (za).”.
- (2) In regulation 31(9A) after sub-paragraph (c), add–
- “**(d)** made under an occupational pension scheme or in respect of a pension or other periodical payment made under a personal pension scheme where–
- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person’s estate under section 41 of the Solicitors (Scotland) Act 1980**(13)**;
- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.”.

Regulation 38

- 15.—(1)** In regulation 38(3) (notional capital)**(14)**–
- (a) insert immediately before sub-paragraph (a)–
- “**(za)** if made to a third party in respect of a single relevant person or a member of his family (but not a member of the third party’s family) shall, where that payment is a payment of an occupational pension or is a pension or other periodical payment made under a personal pension scheme, be treated as possessed by that single relevant person or, as the case may be, by that member;”;
- (b) in sub-paragraph (a), after “shall” insert “, where it is not a payment referred to in sub-paragraph (za).”.
- (2) In regulation 38(3A) after sub-paragraph (b), add–
- “**(c)** made under an occupational pension scheme or in respect of a pension or other periodical payment made under a personal pension scheme where–
- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person’s estate under section 41 of the Solicitors (Scotland) Act 1980**(15)**;
- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.”.

(13) 1980 c. 46.

(14) Regulation 38 was amended by S.I. 1998/808 and 1999/1523.

(15) 1980 c. 46.

Regulation 41

16. In regulation 41 (interpretation of Part II)–

- (a) in the definition of “contribution”(16) after “grant ” insert “or student loan”;
- (b) after the definition of “student” insert–

““student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998(17), section 73 of the Education (Scotland) Act 1980(18) or article 3 of the Education (Student Support) (Northern Ireland) Order 1998(19);”;

- (c) for the definition of “year” substitute–

““year”, in relation to a course, means the period of 12 months beginning on 1st January, 1st April, 1st July or 1st September according to whether the academic year of the course begins in the winter, the spring, the summer or the autumn respectively, but if students are required to begin attending the course during August or September and to continue attending through the autumn the academic year of the course shall be considered to begin in the autumn rather than the summer.”.

Regulation 43

17. In regulation 43 (determination of grant income)–

- (a) in paragraph (2)(f)(20) omit the words from “or” to the end;
- (b) for paragraph (3) substitute–

“(3) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student’s grant income–

- (a) the sum of £250 in respect of travel costs; and
- (b) where no amount has been disregarded under sub-paragraph (2)(f), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.”.

Regulation 45

18. In regulation 45 (other amounts to be disregarded), after “(3)” insert “ or 46(5)”.

Regulation 46

19. In regulation 46 (treatment of student loans)–

- (a) for paragraph (1) substitute–
“(1) A student loan shall be treated as income.”;
- (b) for paragraph (3) substitute the following paragraphs–

“(3) A student shall be treated as possessing a student loan in respect of an academic year where–

(16) The definition of “contribution” was amended by S.I. 1999/1523.
(17) 1998 c. 30; see the Education (Student Support) Regulations 1999 (S.I. 1999/496) and the Education (Student Loans) Regulations 1998 (S.I. 1998/211).
(18) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) see the Education (Student Loans) (Scotland) Regulations 1999 (S.I. 1999/1001 (S. 71)) and the Education (Student Loans) Regulations 1998.
(19) S.I. 1998/1760 (N.I. 14); see the Education (Student Support) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 192) for loans to students commencing courses after 1st September 1998.
(20) Relevant amending instruments are S.I. 1998/808 and 1999/1523.

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)–

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to–
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if–
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There shall be deducted from the amount of a student’s loan income–

- (a) the sum of £250 in respect of travel costs; and
- (b) where no amount has been disregarded under regulation 43(2)(f), the sum of £303 towards the cost of books and equipment, whether or not any such costs are incurred.”.

Regulation 47

20. In regulation 47 (disregard of contribution), after “grant” insert “ or the student’s loan”.

Regulation 47A

21. In regulation 47A (further disregard of student’s income)(**21**), for “grant” substitute “student grant or student loan”.

Schedule 1

22.—(1) In paragraph 1 of Part I of Schedule 1 (applicable amounts: personal allowances)(**22**) in the column headed “(2) Amount”–

- (a) in sub-paragraph 1(a), for “£40.70” substitute “£41.35 ”;
- (b) in sub-paragraph 1(b), for “£51.40” substitute “£52.20 ”;
- (c) in sub-paragraph 2(a), for “£40.70” substitute “£41.35 ”;
- (d) in sub-paragraph 2(b), for “£51.40” substitute “£52.20 ”;
- (e) in sub-paragraph 3(a), for “£61.35” substitute “£62.35 ”;
- (f) in sub-paragraph 3(b), for “£80.65” substitute “£81.95 ”.

(2) In paragraph 2 of Part I of Schedule 1, for columns (1) and (2) of the table substitute the following columns–

(21) Regulation 47A was inserted by S.I. 1999/1523.

(22) Relevant amending instruments are S.I. 1997/977, 1998/808 and 1999/1523.

“(1) <i>Child or Young Person</i>	(2) <i>Amount</i>
Person in respect of the period—	(a) £26.60
(a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday.	(b) £31.75”.

(3) In paragraph 3 of Part II of Schedule 1 (applicable amounts: family premium), for “£13.90” substitute “£14.25” and for “£22.05 ” substitute “£22.20”.

(4) In paragraph 18 of Part IV (applicable amounts: amounts of premiums specified in Part III), in the column headed “*Amount*”–

- (a) in sub-paragraph (1)(a), for “£23.60” substitute “£26.25 ”;
 - (b) in sub-paragraph (1)(b), for “£35.95” substitute “£40.00 ”;
 - (c) in sub-paragraph (2)(a), for “£25.90” substitute “£28.65 ”;
 - (d) in sub-paragraph (2)(b), for “£39.20” substitute “£43.40 ”;
 - (e) in sub-paragraph (3)(a), for “£30.85” substitute “£33.85 ”;
 - (f) in sub-paragraph (3)(b), for “£44.65” substitute “£49.10 ”;
 - (g) in sub-paragraph (4)(a), for “£21.90” substitute “£22.25 ”;
 - (h) in sub-paragraph (4)(b), for “£31.25” substitute “£31.75 ”;
 - (i) in sub-paragraph (5)(a), for “£39.75” substitute “£40.20 ”;
 - (j) in sub-paragraph (5)(b)(i), for “£39.75” substitute “£40.20 ”;
 - (k) in sub-paragraph (5)(b)(ii), for “£79.50” substitute “£80.40 ”;
 - (l) in sub-paragraph (6), for “£21.90” substitute “£22.25 ”; and
 - (m) in sub-paragraph (7), for “£13.95” substitute “£14.15 ”.
- (5) After Part IV, add–

“PART V

HOUSING ALLOWANCES

19.—(1) Except where sub-paragraph (2) applies, the amount of the housing allowance for the purposes of regulations 14(e) and 15(f) is £50.

(2) This paragraph applies where the application is for a disabled facilities grant to carry out works for the benefit of a disabled child or young person, and in this case the disabled child housing allowance is £65.”.

Schedule 3

23. In Schedule 3 (sums to be disregarded in the determination of income other than earnings)–

- (a) for paragraph 10, substitute—
- “10. Any—
- (a) educational maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996⁽²³⁾ (payment of school expenses; grant of scholarships etc.); or
- (b) sum (not being an allowance coming within sub-paragraph (a)) in respect of a course of study attended by a child or young person payable by virtue of regulations made under section 518 of the Education Act 1996, section 49 of the Education (Scotland) Act 1980⁽²⁴⁾ (power to assist persons to take advantage of educational facilities) or section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992⁽²⁵⁾ (provision of financial assistance to students).”.
- (b) in paragraph 16, at the end of sub-paragraph (b), omit “or” and after “to that student under that section” in sub-paragraph (c) insert—
- “;or
- (d) the student’s student loan”;
- (c) in sub-paragraph (1)(a) of paragraph 17, for “or grant” substitute “, student grant or student loan”;
- (d) in paragraph 54, for “allowance” in the first place where it occurs, substitute “credit”.
- (e) at the end, add—

 “67.—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

 (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the relevant person or where the relevant person is a member of a family, any other member of his family, or any council tax or water charges for which that relevant person or member is liable.

 (3) For the purposes of sub-paragraph (2)—

 “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

 “ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities;

 “rent” means eligible rent within the meaning of regulation 10(3) of the Housing Benefit (General) Regulations 1987⁽²⁶⁾ less any deductions in respect of non-dependents which fall to be made under regulation 63⁽²⁷⁾ of those Regulations.”.

Schedule 4

24. At the end of Schedule 4 (capital to be disregarded)⁽²⁸⁾, add—

⁽²³⁾ 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31).

⁽²⁴⁾ 1980 c. 44.

⁽²⁵⁾ 1992 c. 37.

⁽²⁶⁾ 1987/1971. Relevant amending instruments are S.I. 1990/546, 1993/317, 1995/1644, 1995/2868.

⁽²⁷⁾ Relevant amending instruments are S.I. 1988/563, 1989/416, 1990/546, 1990/1775, 1991/235, 1992/50, 1992/2148, 1993/317, 1993/963, 1993/1249.

⁽²⁸⁾ Relevant amending instruments are S.I. 1998/808 and 1999/1523.

“58.—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the relevant person or, where the relevant person is a member of a family, any other member of his family, or any council tax or water charges for which that relevant person or member is liable.

(3) For the purposes of sub-paragraph (2)–

“food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made;

“ordinary clothing and footwear” means clothing or footwear for normal daily use but does not include school uniforms or clothing or footwear used solely for sporting activities;

“rent” means eligible rent within the meaning of regulation 10(3) of the Housing Benefit (General) Regulations 1987 less any deductions in respect of non-dependents which fall to be made under regulation 63 of those Regulations.”.

Application

25. The amendments made by these Regulations shall not have effect in relation to applications for grant made before the date on which these Regulations come into force.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Nick Raynsford
Minister of State,
Department of the Environment, Transport and
the Regions

24th February 2000

We consent to the making of these Regulations

Bob Ainsworth
Clive Betts
Two of the Lords Commissioners of Her
Majesty’s Treasury

28th February 2000

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renewal Grants Regulations 1996 (“the principal Regulations”) which set out the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities to owner-occupier and tenant applicants under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 1996. Most of these amendments are consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I.1987/1971) upon which the means test is based. There are also minor and drafting amendments.

Regulation 4 amends regulation 3 of the principal Regulations to provide that no grant is payable where a person who, though entitled to apply for a grant, has not applied, lives or intends to live in the property, and is a “person from abroad”.

Regulation 5 provides that a local housing authority shall require a statement and supporting evidence of a relevant person’s national insurance number.

Regulation 6 provides that a person shall not be treated as engaged in remunerative work when engaged in an activity for which a sports award is made.

Regulation 8 lowers the multipliers in regulation 12 of the principal Regulations (reduction in amount of grant).

Regulations 9 and 10 amend the calculation of the applicable amount by the addition of the housing allowance and a new disabled child’s housing allowance under the new Part V of Schedule 1 to the principal Regulations.

Regulation 11 increases the maximum deduction for relevant childcare charges.

Regulation 12 provides that the earnings of an employee shall include:

- the amount of any non-cash voucher and
- any additional remuneration under the requirements of the National Minimum Wage Act 1998, where a person qualifies for the national minimum wage.

Regulation 13 provides that the earnings of self-employed earners shall not include the amount of a sports award.

Regulation 14 provides that a person’s notional income shall include the amount of that person’s pension which is paid to a third party except where that person is a trustee in bankruptcy or other person acting on behalf of creditors or where a bankruptcy order has been made or, in Scotland, the person’s estate is subject to sequestration.

Regulation 15 makes the equivalent provision in respect of notional capital to that made in regulation 14.

Regulation 16 amends regulation 41 of the principal Regulations to provide a definition of “student loan” and to substitute a revised definition of “year”.

Regulations 17, 18, 19, 20 and 21 make amendments to the principal Regulations concerning the treatment of student loans.

Regulation 22 updates the applicable amounts and premiums in Schedule 1 to the principal Regulations and adds Part V (Housing Allowances) to Schedule 1.

Regulation 23 provides for the following to be disregarded in the calculation of a person's income other than earnings—

an educational maintenance allowance;

certain payments to a student by a parent where the student is, or is not, in receipt of a student's student loan; and

a sports award.

Regulation 24 provides for the payment of a sports award to be disregarded for the purposes of calculating a person's capital.

Regulation 25 contains transitional provisions.